

Message Text

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TOSEC 866

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TAGS: OVIP (KISSINGER, HENRY A.)

SUBJECT: UNTSO MANDATE

REF: 105745, TOSEC 863

FOR SISCO FROM BUFFUM

1. AS PROMISED REFTTEL, WHILE THIS MAY NOT BE ESSENTIAL,
FOLLOWING IS TEXT OF ISRAELI-SYRIAN GENERAL ARMISTICE
AGREEMENT OF JULY 20, 1949:

"THE PARTIES TO THE PRESENT AGREEMENT,

"RESPONDING TO THE SECURITY COUNCIL RESOLUTION OF
16 NOVEMBER 1948, CALLING UPON THEM, AS A FURTHER PRO-
VISIONAL MEASURE UNDER ARTICLE 40 OF THE CHARTER OF THE
UNITED NATIONS AND IN ORDER TO FACILITATE THE TRANSITION
FROM THE PRESENT TRUCE TO PERMANENT PEACE IN PALESTINE, TO
NEGOTIATE AN ARMISTICE;

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"HAVING DECIDED TO ENTER INTO NEGOTIATIONS UNDER
UNITED NATIONS CHAIRMANSHIP CONCERNING THE IMPLEMENTATION
OF THE SECURITY COUNCIL RESOLUTION OF 16 NOVEMBER 1948;
AND HAVING APPOINTED REPRESENTATIVES EMPOWERED TO

NEGOTIATE AND CONCLUDE AN ARMISTICE AGREEMENT;

"THE UNDERSIGNED REPRESENTATIVES, HAVING EXCHANGED
THEIR FULL POWERS FOUND TO BE IN GOOD AND PROPER FORM,
HAVE AGREED UPON THE FOLLOWING PROVISIONS:

"ARTICLE I. WITH A VIEW TO PROMOTING THE RETURN OF
PERMANENT PEACE IN PALESTINE AND IN RECOGNITION OF THE
IMPORTANCE IN THIS REGARD OF MUTUAL ASSURANCES CONCERNING
THE FUTURE MILITARY OPERATIONS OF THE PARTIES, THE
FOLLOWING PRINCIPLES, WHICH SHALL BE FULLY OBSERVED BY
BOTH PARTIES DURING THE ARMISTICE, ARE HEREBY AFFIRMED:

"1. THE INJUNCTION OF THE SECURITY COUNCIL AGAINST
RESORT TO MILITARY FORCE IN THE SETTLEMENT OF THE
PALESTINE QUESTION SHALL HENCEFORTH BE SCRUPULOUSLY
RESPECTED BY BOTH PARTIES. THE ESTABLISHMENT OF AN
ARMISTICE BETWEEN THEIR ARMED FORCES IS ACCEPTED AS AN
INDISPENSABLE STEP TOWARD THE LIQUIDATION OF ARMED
CONFLICT AND THE RESTORATION OF PEACE IN PALESTINE.

"2. NO AGGRESSIVE ACTION BY THE ARMED FORCES --
LAND, SEA OR AIR -- OF EITHER PARTY SHALL BE UNDERTAKE,
PLANNED, OR THREATENED AGAINST THE PEOPLE OR THE ARMED
FORCES OF THE OTHER; IT BEING UNDERSTOOD THAT THE USE OF
THE TERM PLANNED IN THIS CONTEXT HAS NO BEARING ON NORMAL
STAFF PLANNING AS GENERALLY PRACTISED IN MILITARY
ORGANIZATIONS.

"3. THE RIGHT OF EACH PARTY TO ITS SECURITY AND
FREEDOM FROM FEAR OF ATTACK BY THE ARMED FORCES OF THE
OTHER SHALL BE FULLY RESPECTED.

"ARTICLE II. WITH A SPECIFIC VIEW TO THE IMPLE-
MENTATION OF THE RESOLUTION OF THE SECURITY COUNCIL OF
16 NOVEMBER 1948, THE FOLLOWING PRINCIPLES AND PURPOSES
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ARE AFFIRMED:

"1. THE PRINCIPLE THAT NO MILITARY OR POLITICAL
ADVANTAGE SHOULD BE GAINED UNDER THE TRUCE ORDERED BY
THE SECURITY COUNCIL IS RECOGNIZED.

"2. IT IS ALSO RECOGNIZED THAT NO PROVISION OF
THIS AGREEMENT SHALL IN ANY WAY PREJUDICE THE RIGHTS,
CLAIMS AND POSITIONS OF EITHER PARTY HERETO IN THE
ULTIMATE PEACEFUL SETTLEMENT OF THE PALESTINE QUESTION,
THE PROVISIONS OF THIS AGREEMENT BEING DICTATED EXCLUSIVELY
BY MILITARY, AND NOT BY POLITICAL, CONSIDERATIONS.

"ARTICLE III.

"1. IN PURSUANCE OF THE FOREGOING PRINCIPLES AND OF THE RESOLUTION OF THE SECURITY COUNCIL OF 16 NOVEMBER 1948, A GENERAL ARMISTICE BETWEEN THE ARMED FORCES OF THE TWO PARTIES -- LAND, SEA AND AIR -- IS HEREBY ESTABLISHED.

"2. NO ELEMENT OF THE LAND, SEA OR AIR, MILITARY OR PARA-MILITARY, FORCES OF EITHER PARTY, INCLUDING NON-REGULAR FORCES, SHALL COMMIT ANY WARLIKE OR HOSTILE ACT AGAINST THE MILITARY OF PARA-MILITARY FORCES OF THE OTHER PARTY, OR AGAINST CIVILIANS IN TERRITORY UNDER THE CONTROL OF THAT PARTY; OR SHALL ADVANCE BEYOND OR PASS OVER FOR ANY PURPOSE WHATSOEVER THE ARMISTICE DEMARCATION LINE SET FORTH IN ARTICLE V OF THIS AGREEMENT; OR ENTER INTO OR PASS THROUGH THE AIR SPACE OF THE OTHER PARTY OR THROUGH THE WATERS WITHIN THREE MILES OF THE COASTLINE OF THE OTHER PARTY.

"3. NO WARLIKE ACT OR ACT OF HOSTILITY SHALL BE CONDUCTED FROM TERRITORY CONTROLLED BY ONE OF THE PARTIES TO THIS AGREEMENT AGAINST THE OTHER PARTY OR AGAINST CIVILIANS IN TERRITORY UNDER CONTROL OF THAT PARTY.

"ARTICLE IV.

"1. THE LINE DESCRIBED IN ARTICLE V OF THIS AGREEMENT SHALL BE DESIGNATED AS THE ARMISTICE DEMARCATION LINE AND IS DELINEATED IN PURSUANCE OF THE PURPOSE AND INTENT OF LIMITED OFFICIAL USE
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THE RESOLUTION OF THE SECURITY COUNCIL OF 16 NOVEMBER 1948.

"2. THE BASIC PURPOSE OF THE ARMISTICE DEMARCATION LINE IS TO DELINEATE THE LINE BEYOND WHICH THE ARMED FORCES OF THE RESPECTIVE PARTIES SHALL NOT MOVE.

"3. RULES AND REGULATIONS OF THE ARMED FORCES OF THE PARTIES, WHICH PROHIBIT CIVILIANS FROM CROSSING THE FIGHTING LINES OR ENTERING THE AREA BETWEEN THE LINES, SHALL REMAIN IN EFFECT AFTER THE SIGNING OF THIS AGREEMENT, WITH APPLICATION TO THE ARMISTICE DEMARCATION LINE DEFINED IN ARTICLE V, SUBJECT TO THE PROVISIONS OF PARAGRAPH 5 OF THAT ARTICLE.

"ARTICLE V.

"1. IT IS EMPHASIZED THAT THE FOLLOWING ARRANGEMENTS FOR THE ARMISTICE DEMARCATION LINE BETWEEN THE ISRAELI AND SYRIAN ARMED FORCES AND FOR THE DEMILITARIZED ZONE ARE NOT TO BE INTERPRETED AS HAVING ANY RELATION WHATSOEVER TO ULTIMATE TERRITORIAL ARRANGEMENTS AFFECTING THE TWO PARTIES TO THIS AGREEMENT.

"2. IN PURSUANCE OF THE SPIRIT OF THE SECURITY COUNCIL RESOLUTION OF 16 NOVEMBER 1948, THE ARMISTICE DEMARCATION LINE AND THE DEMILITARIZED ZONE HAVE BEEN DEFINED WITH A VIEW TOWARD SEPARATING THE ARMED FORCES OF THE TWO PARTIES IN SUCH MANNER AS TO MINIMIZE THE POSSIBILITY OF FRICTION AND INCIDENT, WHILE PROVIDING FOR THE GRADUAL RESTORATION OF NORMAL CIVILIAN LIFE IN THE AREA OF THE DEMILITARIZED ZONE, WITHOUT PREJUDICE TO THE ULTIMATE SETTLEMENT.

"3. THE ARMISTICE DEMARCATION LINE SHALL BE AS DELINEATED ON THE MAP ATTACHED TO THIS AGREEMENT AS ANNEX I. THE ARMISTICE DEMARCATION LINE SHALL FOLLOW A LINE MIDWAY BETWEEN THE EXISTING TRUCE LINES, AS CERTIFIED BY THE UNITED NATIONS TRUCE SUPERVISION ORGANIZATION FOR THE ISRAELI AND SYRIAN FORCES. WHERE THE EXISTING TRUCE LINES RUN ALONG THE INTERNATIONAL BOUNDARY BETWEEN SYRIAN AND PALESTINE, THE ARMISTICE DEMARCATION LINE SHALL FOLLOW THE BOUNDARY LINE.

"4. THE ARMED FORCES OF THE TWO PARTIES SHALL NOWHERE
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ADVANCE BEYOND THE ARMISTICE DEMARCATION LINE.

"5. (A) WHERE THE ARMISTICE DEMARCATION LINE DOES NOT CORRESPOND TO THE INTERNATIONAL BOUNDARY BETWEEN SYRIA AND PALESTINE, THE AREA BETWEEN THE ARMISTICE DEMARCATION LINE AND THE BOUNDARY, PENDING FINAL TERRITORIAL SETTLEMENT BETWEEN THE PARTIES, SHALL BE ESTABLISHED AS A DEMILITARIZED ZONE FROM WHICH THE ARMED FORCES OF BOTH PARTIES SHALL BE TOTALLY EXCLUDED, AND IN WHICH NO ACTIVITIES BY MILITARY OR PARA-MILITARY FORCES SHALL BE PERMITTED. THIS PROVISION APPLIES TO THE EIN GEV AND DARDARA SECTORS WHICH SHALL FORM PART OF THE DEMILITARIZED ZONE.

"(B) ANY ADVANCE BY THE ARMED FORCES, MILITARY OR PARA-MILITARY, OF EITHER PARTY INTO ANY PART OF THE DEMILITARIZED ZONE, WHEN CONFIRMED BY THE UNITED NATIONS REPRESENTATIVES REFERRED TO IN THE FOLLOWING SUB-PARAGRAPH, SHALL CONSTITUTE A FLAGRANT VIOLATION OF THIS AGREEMENT.

"(C) THE CHAIRMAN OF THE MIXED ARMISTICE COMMISSION ESTABLISHED IN ARTICLE VII OF THIS AGREEMENT AND UNITED NATIONS OBSERVERS ATTACHED TO THE COMMISSION SHALL BE RESPONSIBLE FOR ENSURING THE FULL IMPLEMENTATION OF THIS ARTICLE.

"(D) THE WITHDRAWAL OF SUCH ARMED FORCES AS ARE NOW FOUND IN THE DEMILITARIZED ZONE SHALL BE IN ACCORDANCE WITH THE SCHEDULE OF WITHDRAWAL ANNEXED TO THIS AGREEMENT (ANNEX II).

"(E) THE CHAIRMAN OF THE MIXED ARMISTICE COMMISSION SHALL

BE EMPOWERED TO AUTHORIZE THE RETURN
OF CIVILIANS TO VILLAGES AND SETTLEMENTS IN THE DEMILITARIZED
ZONE AND THE EMPLOYMENT OF LIMITED NUMBERS OF LOCALLY RECRUITED
CIVILIAN POLICE IN THE ZONE FOR INTERNAL SECURITY PURPOSES,
AND SHALL BE GUIDED IN THIS REGARD BY THE SCHEDULE OF WITH-
DRAWAL REFERRED TO IN SUB-PARAGRAPH (D) OF THIS ARTICLE.

"6. ON EACH SIDE OF THE DEMILITARIZED ZONE THERE SHALL BE
AREAS, AS DEFINED IN ANNEX III TO THIS AGREEMENT, IN WHICH
DEFENSIVE FORCES ONLY SHALL BE MAINTAINED, IN ACCORDANCE WITH
THE DEFINITION OF DEFENSIVE FORCES SET FORTH IN ANNEX IV TO
THIS AGREEMENT.

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"ARTICLE VI. ALL PRISONERS OF WAR DETAINED BY EITHER PARTY
TO THIS AGREEMENT AND BELONGING TO THE ARMED FORCES, REGULAR
OR IRREGULAR, OF THE OTHER PARTY, SHALL BE EXCHANGED AS
FOLLOWS:

"1. THE EXCHANGE OF PRISONERS OF WAR SHALL BE UNDER
UNITED NATIONS SUPERVISION AND CONTROL THROUGHOUT, THE
EXCHANGE SHALL TAKE PLACE AT THE SITE OF THE ARMISTICE CON-
FERENCE WITHIN TWENTY-FOUR HOURS OF THE SIGNING OF THIS
AGREEMENT.

"2. PRISONERS OF WAR AGAINST WHOM A PENAL PROSECUTION MAY BE
PENDING, AS WELL AS THOSE SENTENCED FOR CRIME OR OTHER OFFENCE,
SHALL BE INCLUDED IN THIS EXCHANGE OF PRISONERS.

"3. ALL ARTICLES OF PERSONAL USE, VALUABLES, LETTERS,
DOCUMENTS, IDENTIFICATION MARKS, AND OTHER PERSONAL EFFECTS
OF WHATEVER NATURE, BELONGING TO PRISONERS OF WAR WHO ARE
BEING EXCHANGED, SHALL BE RETURNED TO THEM, OR IF THEY HAVE
ESCAPED OR DIED, TO THE PARTY TO WHOSE ARMED FORCES THEY BE-
LONGED.

"4. ALL MATTERS NOT SPECIFICALLY REGULATED IN THIS AGREEMENT
SHALL BE DECIDED IN ACCORDANCE WITH THE PRINCIPLES LAID DOWN
IN THE INTERNATIONAL CONVENTION RELATING TO THE TREATMENT OF
PRISONERS OF WAR, SIGNED AT GENEVA ON 27 JULY 1929.

"5. THE MIXED ARMISTICE COMMISSION ESTABLISHED IN
ARTICLE VII OF THIS AGREEMENT SHALL ASSUME RESPONSIBILITY
FOR LOCATING MISSING PERSONS, WHETHER MILITARY OF CIVILIAN,
WITHIN THE AREAS CONTROLLED BY EACH PARTY, TO FACILITATE
THEIR EXPEDITIOUS EXCHANGE. EACH PARTY UNDERTAKES TO EXTEND
TO THE COMMISSION FULL COOPERATION AND ASSISTANCE IN THE
DISCHARGE OF THIS FUNCTION.

"ARTICLE VII.

"1. THE EXECUTION OF THE PROVISIONS OF THIS AGREEMENT SHALL BE SUPERVISED BY A MIXED ARMISTICE COMMISSION COMPOSED OF FIVE MEMBERS, OF WHOM EACH PARTY TO THIS AGREEMENT SHALL
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DESIGNATE TWO, AND WHOSE CHAIRMAN SHALL BE THE UNITED NATIONS CHIEF OF STAFF OF THE TRUCE SUPERVISION ORGANIZATION OR A SENIOR OFFICER FROM THE OBSERVER PERSONNEL OF THAT ORGANIZATION DESIGNATED BY HIM FOLLOWING CONSULTATION WITH BOTH PARTIES TO THIS AGREEMENT.

"2. THE MIXED ARMISTICE COMMISSION, SHALL MAINTAIN ITS HEAD-QUARTERS AT THE CUSTOMS HOUSE NEAR JISR BANAT YA'QUB AND AT MAHANAYIM, AND SHALL HOLD ITS MEETINGS AT SUCH PLACES AND AT SUCH TIMES AS IT MAY DEEM NECESSARY FOR THE EFFECTIVE CONDUCT OF ITS WORK.

"3. THE MIXED ARMISTICE COMMISSION SHALL BE CONVENED IN ITS FIRST MEETING BY THE UNITED NATIONS CHIEF OF STAFF OF THE TRUCE SUPERVISION ORGANIZATION NOT LATER THAN ONE WEEK FOLLOWING THE SIGNING OF THIS AGREEMENT.

"4. DECISIONS OF THE MIXED ARMISTICE COMMISSION, TO THE EXTENT POSSIBLE, SHALL BE BASED ON THE PRINCIPLE OF UNANIMITY. IN THE ABSENCE OF UNANIMITY, DECISIONS SHALL BE TAKEN BY MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION PRESENT AND VOTING.

"5. THE MIXED ARMISTICE COMMISSION SHALL FORMULATE ITS OWN RULES OF PROCEDURE. MEETINGS SHALL BE HELD ONLY AFTER DUE NOTICE TO THE MEMBERS BY THE CHAIRMAN. THE QUORUM FOR ITS MEETINGS SHALL BE A MAJORITY OF ITS MEMBERS.

"6. THE COMMISSION SHALL BE EMPOWERED TO EMPLOY OBSERVERS, WHO MAY BE FROM AMONG THE MILITARY ORGANIZATIONS OF THE PARTIES OR FROM THE MILITARY PERSONNEL OF THE UNITED NATIONS TRUCE SUPERVISION ORGANIZATION, OR FROM BOTH, IN SUCH NUMBERS AS MAY BE CONSIDERED ESSENTIAL TO THE PERFORMANCE OF ITS FUNCTIONS. IN THE EVENT UNITED NATIONS OBSERVERS SHOULD BE SO EMPLOYED, THEY SHALL REMAIN UNDER THE COMMAND OF THE UNITED NATIONS CHIEF OF STAFF OF THE TRUCE SUPERVISION ORGANIZATION. ASSIGNMENTS OF A GENERAL OR SPECIAL NATURE GIVEN TO UNITED NATIONS OBSERVERS ATTACHED TO THE MIXED ARMISTICE COMMISSION SHALL BE SUBJECT TO APPROVAL BY THE UNITED NATIONS CHIEF OF STAFF OR HIS DESIGNATED REPRESENTATIVE ON THE COMMISSION, WHICHEVER IS SERVING AS CHAIRMAN.
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"7. CLAIMS OR COMPLAINTS PRESENTED BY EITHER PARTY RELATING TO THE APPLICATION OF THIS AGREEMENT SHALL BE REFERRED IMMEDIATELY TO THE MIXED ARMISTICE COMMISSION THROUGH ITS CHAIRMAN. THE COMMISSION SHALL TAKE SUCH ACTION ON ALL SUCH CLAIMS OR COMPLAINTS BY MEANS OF ITS OBSERVATION AND INVESTIGATION MACHINERY AS IT MAY DEEM APPROPRIATE, WITH A VIEW TO EQUITABLE AND MUTUALLY SATISFACTORY SETTLEMENT.

"8. WHERE INTERPRETATION OF THE MEANING OF A PARTICULAR PROVISION OF THIS AGREEMENT, OTHER THAN THE PREAMBLE AND ARTICLE I AND II, IS AT ISSUE, THE COMMISSION'S INTERPRETATION SHALL PREVAIL. THE COMMISSION, IN ITS DISCRETION AND AS THE NEED ARISES, MAY FROM TIME TO TIME RECOMMEND TO THE PARTIES MODIFICATIONS IN THE PROVISIONS OF THIS AGREEMENT.

"9. THE MIXED ARMISTICE COMMISSION SHALL SUBMIT TO BOTH PARTIES REPORTS ON ITS ACTIVITIES AS FREQUENTLY AS IT MAY CONSIDER NECESSARY. A COPY OF EACH SUCH REPORT SHALL BE PRESENTED TO THE SECRETARY GENERAL OF THE UNITED NATIONS FOR TRANSMISSION TO THE APPROPRIATE ORGAN OR AGENCY OF THE UNITED NATIONS.

"10. MEMBERS OF THE COMMISSION AND ITS OBSERVERS SHALL BE ACCORDED SUCH FREEDOM OF MOVEMENT AND ACCESS IN THE AREA COVERED BY THIS AGREEMENT AS THE COMMISSION MAY DETERMINE TO BE NECESSARY, PROVIDED THAT WHEN SUCH DECISIONS OF THE COMMISSION ARE REACHED BY A MAJORITY VOTE UNITED NATIONS OBSERVERS ONLY SHALL BE EMPLOYED.

"11. THE EXPENSES OF THE COMMISSION, OTHER THAN THOSE RELATING TO UNITED NATIONS OBSERVERS, SHALL BE APPORTIONED IN EQUAL SHARES BETWEEN THE TWO PARTIES TO THIS AGREEMENT.

"ARTICLE VIII.

"1. THE PRESENT AGREEMENT IS NOT SUBJECT TO RATIFICATION AND SHALL COME INTO FORCE IMMEDIATELY UPON BEING SIGNED.

"2. THIS AGREEMENT, HAVING BEEN NEGOTIATED AND CONCLUDED IN PURSUANCE OF THE RESOLUTION OF THE SECURITY COUNCIL OF 16
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NOVEMBER 1948, CALLING FOR THE ESTABLISHMENT OF AN ARMISTICE IN ORDER TO ELIMINATE THE THREAT TO THE PEACE IN PALESTINE AND TO FACILITATE THE TRANSITION FROM THE PRESENT TRUCE TO PERMANENT PEACE IN PALESTINE, SHALL REMAIN IN FORCE UNTIL A PEACEFUL SETTLEMENT BETWEEN THE PARTIES IS ACHIEVED, EXCEPT AS PROVIDED IN PARAGRAPH 3 OF THIS ARTICLE.

"3. THE PARTIES TO THIS AGREEMENT MAY, BY MUTUAL CONSENT, REVISE THIS AGREEMENT OR ANY OF ITS PROVISIONS, OR MAY SUSPEND

ITS APPLICATION, OTHER THAN ARTICLES I AND III, AT ANY TIME.
IN THE ABSENCE OF MUTUAL AGREEMENT AND AFTER THIS AGREEMENT
HAS BEEN IN EFFECT FOR ONE YEAR FROM THE DATE OF ITS SIGNING,
EITHER OF THE PARTIES MAY CALL UPON THE SECRETARY GENERAL OF
THE UNITED NATIONS TO CONVOKE A CONFERENCE OF REPRESENTATIVES
OF THE TWO PARTIES FOR THE PURPOSE OF REVIEWING, REVISING, OR
SUSPENDING ANY OF THE PROVISIONS OF THIS AGREEMENT OTHER
THAN ARTICLES I AND III. PARTICIPATION IN SUCH CONFERENCES
SHALL BE OBLIGATORY UPON THE PARTIES.

"4. IF THE CONFERENCE PROVIDED FOR IN PARAGRAPH 3 OF THIS
ARTICLE DOES NOT RESULT IN AN AGREED SOLUTION OF A POINT IN
DISPUTE, EITHER PARTY MAY BRING THE MATTER BEFORE THE SECURITY
COUNCIL OF THE UNITED NATIONS FOR THE RELIEF SOUGHT,
ON THE GROUNDS THAT THIS AGREEMENT HAS BEEN CONCLUDED IN PUR-
SUANCE OF SECURITY COUNCIL ACTION TOWARD THE END OF ACHIEVING
PEACE IN PALESTINE.

"5. THIS AGREEMENT, OF WHICH THE ENGLISH AND FRENCH TEXTS
ARE EQUALLY AUTHENTIC, IS SIGNED IN QUINTUPPLICATE. ONE COPY
SHALL BE RETAINED BY EACH PARTY, TWO COPIES COMMUNICATED TO
THE SECRETARY GENERAL OF THE UNITED NATIONS FOR TRANSMISSION
TO THE SECURITY COUNCIL AND THE UNITED NATIONS CONCILIATION
COMMISSION ON PALESTINE, AND ONE COPY TO THE ACTING MEDIATOR
ON PALESTINE." RUSH

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